

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:19-cv-00587-BAS-BLM**

Aguirre v. United States Nuclear Regulatory Commission et al
Assigned to: Judge Cynthia Bashant
Referred to: Magistrate Judge Barbara Lynn Major
Related Case: 3:19-cv-00495-BAS-BLM
Cause: 05:0552fi Freedom of Information Act

Date Filed: 03/29/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Michael J. Aguirre

represented by **Maria C Severson**
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V.

Defendant

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Defendant

**DOES 1 to 10
inclusive**

Date Filed	#	Docket Text
03/29/2019	1	COMPLAINT against DOES 1 to 10, United States Nuclear Regulatory Commission (Filing fee \$ 400 receipt number 0974-12355973.), filed by Michael J. Aguirre.

		The new case number is 3:19-cv-00587-H-KSC. Judge Marilyn L. Huff and Magistrate Judge Karen S. Crawford are assigned to the case. (Severson, Maria)(mme) (sjt). (Entered: 04/01/2019)
04/01/2019	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (mme) (Entered: 04/01/2019)
04/01/2019	<u>3</u>	Amended Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (mme) (Entered: 04/01/2019)
04/04/2019	<u>4</u>	SUMMONS Returned Executed by Michael J. Aguirre. United States Nuclear Regulatory Commission served. (Severson, Maria) (Entered: 04/04/2019)
04/15/2019	<u>5</u>	NOTICE OF RELATED CASE(S) by Michael J. Aguirre of case(s) 19cv0495-BAS-BLM. (Attachments: # <u>1</u> Proof of Service)(Severson, Maria). Modified on 4/16/2019 – Proposed Low Number Transfer Order prepared and forwarded (jah). (Entered: 04/15/2019)
04/24/2019	<u>6</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge Cynthia Bashant and Magistrate Judge Barbara Lynn Major for all further proceedings. Judge Marilyn L. Huff, Magistrate Judge Karen S. Crawford no longer assigned to case. Create association to 3:19-cv-00495-BAS-BLM. The new case number is 19cv0587-BAS(BLM). Signed by Judge Marilyn L. Huff on 4/24/2019. Signed by Judge Cynthia Bashant on 4/22/2019. (jah) (Entered: 04/25/2019)
05/17/2019	<u>7</u>	MOTION for Status Conference by Michael J. Aguirre. (Attachments: # <u>1</u> Declaration of Maria Severson, # <u>2</u> Proof of Service by Mail)(Severson, Maria). Modified on 5/20/2019 – Edited text (jah). (Entered: 05/17/2019)
05/21/2019	<u>8</u>	ORDER Requesting Response re <u>7</u> MOTION for Status Conference filed by Michael J. Aguirre. Court is not inclined to hold a status conference for this issue but it is unclear why the U. S. Attorney does not deem the United States Nuclear Regulatory Commission (NRC) to be a U.S. Government Agency. Court orders U.S. Attorney to respond to Plaintiff's Motion by 5/31/2019. Signed by Judge Cynthia Bashant on 5/21/2019.(jah) (Entered: 05/21/2019)
05/31/2019	<u>9</u>	RESPONSE in Opposition re <u>7</u> MOTION for Status Conference filed by United States Nuclear Regulatory Commission. (Parker, Katherine). (jah). (Entered: 05/31/2019)
05/31/2019	<u>10</u>	NOTICE of Appearance by Katherine Lind Parker on behalf of United States Nuclear Regulatory Commission (Parker, Katherine). Attorney Katherine Lind Parker added to party United States Nuclear Regulatory Commission (pty:dft). (jah). (Entered: 05/31/2019)
06/03/2019	<u>11</u>	ORDER denying as moot Plaintiff's <u>7</u> Motion for Status Conference. Signed by Judge Cynthia Bashant on 6/3/2019. (jah) (Entered: 06/03/2019)
06/13/2019	<u>12</u>	MOTION for Summary Judgment by United States Nuclear Regulatory Commission. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration of Tina Ennis with Exhibits, # <u>3</u> Declaration of Katherine Parker with Exhibit)(Parker, Katherine). Modified on 6/17/2019 – Corrected motion event (jah). Modified on 10/3/2019 – Changed to Motion for Summary Judgment per 10/3/2019 Order (jah). (Entered: 06/13/2019)
07/22/2019	<u>13</u>	RESPONSE in Opposition re <u>12</u> MOTION to Dismiss for failure to Exhaust Administrative Remedies filed by Michael J. Aguirre. (Attachments: # <u>1</u> Declaration of Michael J. Aguirre, # <u>2</u> Request for Judicial Notice, # <u>3</u> Proof of Service)(Severson, Maria). (jah). (Entered: 07/22/2019)
07/24/2019	<u>14</u>	Unopposed Ex Parte MOTION for Extension of Time to File Reply as to <u>12</u> MOTION to Dismiss for Failure to Exhaust Administrative Remedies by United States Nuclear Regulatory Commission. (Attachments: # <u>1</u> Declaration of Katherine Parker)(Parker, Katherine). (jah). (Entered: 07/24/2019)
07/26/2019	<u>15</u>	ORDER granting Defendant's <u>14</u> Unopposed Ex Parte Motion for Extension of Time to File Response/Reply re <u>12</u> MOTION to Dismiss for failure to Exhaust

		Administrative Remedies. Defendant shall file reply brief by 8/5/2019. Signed by Judge Cynthia Bashant on 7/26/2019. (jah) (Entered: 07/26/2019)
08/05/2019	<u>16</u>	REPLY to Response to Motion re <u>12</u> MOTION to Dismiss for failure to Exhaust Administrative Remedies filed by United States Nuclear Regulatory Commission. (Attachments: # <u>1</u> Declaration of Tina Ennis)(Parker, Katherine). (jah). (Entered: 08/05/2019)
09/12/2019	<u>17</u>	NOTICE Regarding FOIA Production by United States Nuclear Regulatory Commission (Attachments: # <u>1</u> Declaration of Tina Ennis)(Parker, Katherine). (jah). (Entered: 09/12/2019)
09/16/2019	<u>18</u>	ORDER REQUIRING STATUS REPORT. Court orders the parties to file a joint status report as to whether they still request the Court issue an order on Defendants motion to dismiss <u>12</u> . The parties shall file Joint Status Report by 9/20/2019. Signed by Judge Cynthia Bashant on 9/16/2019. (jah) (Entered: 09/16/2019)
09/20/2019	<u>19</u>	JOINT STATUS REPORT re <u>18</u> Order by Michael J. Aguirre. (Attachments: # <u>1</u> Proof of Service)(Severson, Maria). Modified on 9/23/2019 – Removed duplicate text (jah). (Entered: 09/20/2019)
10/03/2019	<u>20</u>	ORDER Converting Motion. Court converts <u>12</u> MOTION to Dismiss filed by United States Nuclear Regulatory Commission to a Motion for Summary Judgment. If Defendant has any further material to submit in support of its motion, it may do so by 10/11/2019. Plaintiff may submit any material pertinent to his response by 10/25/2019. Court will take <u>12</u> MOTION for Summary Judgment under submission. Signed by Judge Cynthia Bashant on 10/3/2019.(jah) (Entered: 10/03/2019)
10/10/2019	<u>21</u>	NOTICE Re: Supplemental Declaration by United States Nuclear Regulatory Commission (Attachments: # <u>1</u> Declaration of Tina Ennis)(Parker, Katherine). Modified on 10/11/2019 – Wrong event. Corrected text to match pleading (jah). (Entered: 10/10/2019)
10/25/2019	<u>22</u>	RESPONSE in Opposition re <u>12</u> MOTION for Summary Judgment filed by Michael J. Aguirre. (Attachments: # <u>1</u> Declaration of Michael Aguirre, # <u>2</u> Proof of Service)(Severson, Maria). Modified on 10/28/2019 – Removed duplicate attachment description (jah). (Entered: 10/25/2019)
10/30/2019	<u>23</u>	Ex Parte MOTION for Leave to File Supplemental Reply by United States Nuclear Regulatory Commission. (Parker, Katherine). (jah). (Entered: 10/30/2019)
10/31/2019	<u>24</u>	RESPONSE in Opposition re <u>23</u> Ex Parte MOTION for Leave to File Supplemental Reply filed by Michael J. Aguirre. (Attachments: # <u>1</u> Proof of Service)(Severson, Maria) (Entered: 10/31/2019)
12/05/2019	<u>25</u>	ORDER Setting Oral Argument re <u>12</u> MOTION for Summary Judgment filed by United States Nuclear Regulatory Commission. Motion Hearing on <u>12</u> MOTION for Summary Judgment set for 2/18/2020 02:00 PM before Judge Cynthia Bashant. Before oral argument takes place, the parties are ordered to attend an Early Neutral Evaluation Conference with Magistrate Judge Major to determine whether the cases may be resolved. The parties shall contact Magistrate Judge Major's Chambers as soon as possible to schedule the conference. Signed by Judge Cynthia Bashant on 12/5/2019. (jah) (Entered: 12/05/2019)